

REMARKS

Claims 1-5, 7-16 and 18-27 are pending in this application. By this Amendment, claims 1, 3, 7, 10 and 24 are amended. Various amendments are made to the claims for clarity and are unrelated to issues of patentability.

Entry of the amendments is proper under 37 C.F.R. §1.116 because the amendments: (1) place the application in condition for allowance for the reasons set forth above; (2) do not raise any new issues requiring further search and/or consideration; and/or (3) place the application in better form for appeal, should an appeal be necessary. More specifically, the above amendments merely clarify previously claimed subject matter. Accordingly, no new issues are raised. Entry is therefore proper under 37 C.F.R. §1.116.

The Office Action rejects claims 1-5, 7-16 and 18-27 under 35 U.S.C. §103(a) over U.S. Patent 5,452,397 to Ittycheriah et al. (hereafter Ittycheriah), U.S. Patent 5,167,004 to Netsch et al. (hereafter Netsch) and U.S. Patent 6,937,984 to Morgan et al. (hereafter Morgan). The rejection is respectfully traversed with respect to the pending claims.

Independent claim 1 recites comparing the similarity of the retrieved word with the similarity reference value to report a voice recognition failure when the compared result is below the reference value, and to report a voice recognition success and perform the command corresponding to the recognized word when the compared result is at least the reference value. Independent claim 1 also recites modifying the reference voice model based on the characteristics of the voice data which succeeded in the voice recognition, wherein a same spoken word is used to perform the command once and to modify the reference voice model.

The applied references do not teach or suggest at least these features of independent claim 1. More specifically, the Office Action (on page 3) states that Ittycheriah does not teach updating the model after a successful recognition. The Office Action then relies on Netsch as teaching updating the model after a successful recognition. Still further, the Office Action states that Ittycheriah and Netsch do not teach eventual command performance. The Office Action then relies on Morgan's col. 2, lines 50-58 as teaching notifying the user of a recognized command and executing the command.

The applied references do not teach or suggest that a same spoken word is used to perform the command once and to modify the reference voice model as recited in independent claim 1. More specifically, Netsch merely relates to if an identity is verified then an updated set of speech reference models may replace models kept in storage. See Netsch's col. 4, lines 64-68. Netsch does not relate to command performance, as acknowledged in the Office Action. Further, Morgan does not relate to modifying a reference voice model after a successful voice recognition. Morgan also does not teach or suggest that a same spoken word is used to perform the command once and to modify the reference voice model. Accordingly, none of the references teach or suggest that a same spoken word is used to perform the command once and to modify the reference voice model. Further, there is no suggestion to combine these references so as to reach the claimed features.

Applicant respectfully submits that the Office Action picks-and-chooses various features from different references without regard to the references taken as a whole. The combination set forth in the Office Action is clearly based on impermissible hindsight.

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Even further, as stated in the response filed February 15, 2006, Morgan discloses that a command is executed after a timer expires or after a command is again spoken. Therefore, Morgan clearly does not suggest that a same spoken word is used to perform the command once and to modify the reference voice model. The Office Action (on page 5, last 5 lines) states that “Morgan is performing a command upon successful conclusion of the update process in Ittycheriah.” This statement appears to be based on impermissible hindsight as there is no disclosure or suggestion for such features.

Ittycheriah’s FIG. 3 is an update process used to avoid confusingly similar words to be provided in a list. See col. 3, lines 45-48. In stark contrast, Morgan’s FIG. 7 relates to displaying a command and executing the displayed command. Morgan has no suggestion for updating a vocabulary list (such as of Ittycheriah) while performing the FIG. 7 operations of displaying commands. Ittycheriah’s FIG. 3 (i.e., the update process) does not suggest any type of command execution. Further, there is no suggestion to modify Ittycheriah’s FIG. 3 update process so as to include “to report a voice recognition success and perform the command corresponding to the recognized word when the compared result is at least the reference value.” Rather, the only suggestion for these features are provided in applicant’s own specification. The Office Action reliance on applicant’s specification to provide this suggestion is impermissible hindsight. The rejection should be withdrawn at least for this reason.

Still further, Ittycheriah’s update process ends at block 42 (FIG. 3). Therefore, there is no suggestion that a same spoken word is used prior to block 42 to modify a reference voice model and to then use that same word (after block 42) in another process such as in Morgan. In other

words, the Office Action (on page 5) states that Morgan operations are after the update process (FIG. 3) of Ittycheriah (and thus after FIG. 3). However, there is no suggestion that such a combination as alleged in the Office Action would result in a same spoken word used to perform the command once and to modify the reference voice model. The motivation to provide features relating to using a same spoken word to perform the command once and to modify the reference voice model is provided in applicant's own specification and is not provided in any known reference. For at least these reasons, independent claim 1 defines patentable subject matter.

Independent claim 3 recites performing an operation based on the received voice data and associated with the reference voice model upon success of the voice detection, and updating the reference voice model using the voice data received from the user upon a judged success of the voice detection, wherein the same received voice is used to update the reference voice model and to perform the operation upon the judged success of the voice detection. For at least similar reasons as set forth above, the applied references do not teach or suggest these features. Thus, independent claim 3 defines patentable subject matter.

Independent claim 7 recites executing a command associated with the reference voice model upon a positive correspondence of the reference voice model and the voice data from the user, and updating the reference voice model using the voice data from the user, upon the positive correspondence of the reference voice model and the voice data from the user. Independent claim 7 also recites that the same voice data is used to execute the command and to update the reference voice model. For at least similar reasons as set forth above, the applied

references do not teach or suggest these features. Thus, independent claim 7 defines patentable subject matter.

Independent claim 24 recites performing a command based on the received user voice and corresponding to the retrieved word when the compared result is at least a reference value, and modifying the reference voice model based on the characteristics of the user voice, wherein the same received user voice is used to perform the command and to modify the reference voice model. For at least similar reasons as set forth above, the applied references do not teach or suggest these features. Thus, independent claim 24 defines patentable subject matter.

For at least the reasons set forth above, each of independent claims 1, 3, 7 and 24 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-5, 7-16 and 18-27 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

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concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



David C. Oren
Registration No. 38,694

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3701 DYK:DCO/kah

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Please direct all correspondence to Customer Number 34610

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